

REMARKS

In the outstanding Office Action, the application was subjected to a second Election of Species Requirement, for election of five further species to which the claims would be restricted if no generic claim were finally held to be allowable.

By this response, an election of five further species is made without traverse.

This Application was previously subjected to Restriction and Election requirements. A Traversal was timely filed on September 12, 2007. From the Examiner's statement on page 2 of the Office Action that "applicant's election of Species C...and Species b is acknowledged," it would appear that the previous Restriction Requirement has been withdrawn and the previous Election Requirement sustained, but no formal acknowledgement to this effect has been presented by the Examiner.

Election Requirement Summary

In addition to the Restriction and Election Requirements imposed in the Office Action of July 27, 2007, the Examiner now requires election of five further species under 35 U.S.C. 121 for prosecution on the merits, to which the claims shall be restricted if no generic claim is finally held to be allowable. The species are set forth in the Office Action as follows:

Atmosphere:	Species A1, cloud;
	Species A2, fog;

Water droplet charge:	Species B1, electrically neutral; Species B2, electrically charged;
Seeding element charge:	Species C1, opposite polarity charges; Species C2, same polarity charges;
Seeding material:	Species D1, particulate matter includes burning a pyrotechnic material; Species D2, soot particles; Species D3, particulate material is a powdered solid material; Species D4, water droplets;
Control of atmospheric conditions effected from:	Species E1, flying object; Species E2, ground located source.

The Examiner asserts that claims 1 and 23 are generic to these species.

Response

In response to the first Election requirement, Applicants elect species A2, fog, for examination. In response to the second Election requirement, Applicants elect species B2,

electrically neutral, for examination.

In response to the third Election requirement, Applicants elect species C1, opposite polarity charges, for examination.

In response to the fourth Election requirement, Applicants elect species D4, water droplets, for examination.

In response to the fifth Election requirement, Applicants elect species E2, ground located source, for examination.

In accordance with the Election of September 12, 2007, which appears to have been entered by the Examiner, Applicants identify the following claims as readable on the elected combination of the above five species and the two species previously elected: 1, 3, 5 – 7, 9, 10, 14 – 19, 21 – 23, 25, 27 – 29, 31, 32, 36 – 43, 45 – 47, 49, 54 – 56, 65, 68 – 72, 74 – 76, 78, 79, and 81 – 84. Applicants see no reason why the Examiner has not identified claim 47 as generic, and respectfully submit that all three claims 1, 23, and 47 are generic to all seven elected species.

THE PREVIOUS RESTRICTION AND ELECTION REQUIREMENTS OF JULY 27, 2007

Applicants notes with concern that the Examiner has not acknowledged the traversal of the previous restriction requirement, which was filed on September 12, 2007.

As was made clear by the Applicant in the previous response, the Examiner's Restriction between method and apparatus was traversed, and the claimed method was provisionally elected. Accordingly, since the Examiner's Election Requirement dealt only with apparatus configurations, it

was believed that the Election Requirement would be rendered moot by the Applicant's selection of the claimed method for prosecution. Nevertheless, since the Restriction was traversed, Applicants made a provisional election of species for use only if the traversal was accepted and the Restriction withdrawn.

From the Examiner's statement on page 2 of the Office Action that "applicant's election of Species C...and Species b is acknowledged," it would appear that the previous Restriction Requirement *has* been withdrawn, since the provisional election being acknowledged by the Examiner was to be entered *only* if the traversal was not sustained. However, no formal acknowledgement to this effect has been presented by the Examiner.

Therefore, the above identification of claims is made under the assumption that the previous **Restriction** Requirement has been withdrawn, but that the previous **Election** requirement has been sustained. Accordingly, the above identification of claims is made over *both* the claimed method *and* apparatus, *and* in consideration of *not only* the five species elected herein, *but also* figures 6C and 15b as provisionally elected in the response of September 12, 2007.

Rejoinder

Applicants respectfully remind the Examiner that upon the allowance of a generic claim, Applicants will be entitled to consideration of additional species which include all the limitations of an allowed generic claim.

CONCLUSION

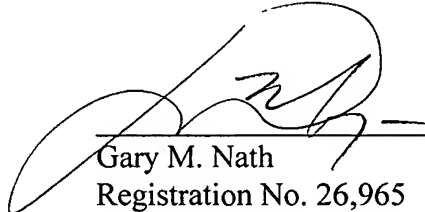
In light of the foregoing, Applicants respectfully request that the Examiner continue to conduct a substantive examination of the application. If the Examiner has any questions or comments regarding this matter, the Examiner is welcomed to contact the undersigned attorney at the below-listed number and address.

In the event this paper is not timely filed, Applicants petition for an appropriate further extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,
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